REMARKS

On page 2 of the Office Action, the Examiner issues a Restriction Requirement under 35 U.S.C. § 121 to one of the inventions of the following groups:

Group I - Claims 1-15, 17-18, 35 and 38, drawn to a polynucleotide wherein the target gene comprises a single strand of RNA of SEQ ID NO:1;

Group II - Claims 1-15, 17-18, 35 and 38, drawn to a polynucleotide wherein the target gene comprises a single strand of RNA of SEQ ID NO:2;

Group III - Claim 16, drawn to a method of screening wherein the target gene comprises a single strand of RNA of SEQ ID NO:1;

Group IV - Claim 16, drawn to a method of screening wherein the target gene comprises a single strand of RNA of SEQ ID NO:2;

Group V - Claims 19-32 and 36-37, drawn to a method of introducing a polynucleotide sequence wherein the target gene comprises a single strand of RNA of SEQ ID NO:1;

Group VI - Claims 19-32 and 36-37, drawn to a method of introducing a polynucleotide sequence wherein

the target gene comprises a single strand of RNA of SEQ ID NO:2;

Group VII - Claims 33-34, drawn to a knockdown cell or tissue or non-human animal or plant wherein the target gene comprises a single strand of RNA of SEQ ID NO:1;

Group VIII - Claims 33-34, drawn to a knockdown cell or tissue or non-human animal or plant wherein the target gene comprises a single strand of RNA of SEQ ID NO:2;

Group IX - Claim 39, drawn to a method of synthesizing nucleotides for target genes; and

Group X - Claim 40, drawn to a nucleotide for a randomized target gene.

Specifically, the Examiner contends that restriction is proper for the reasons set forth on pages 5-14 of the Office Action.

Accordingly, Applicants hereby elect the invention of Group I, i.e., Claims 1-15, 17-18, 35 and 38 with traverse.

Applicants request rejoinder of the method claims once there are allowable product claims, and the method claims have been amended to include all of the limitations of the allowable product claims.

On page 14 of the Office Action, the Examiner indicates that if any of Groups I, II, V or VI are elected, Claims 11 and 29 are subject to an additional restriction requirement,

since they are not a proper genus, i.e., the Examiner requires Applicants to elect either SEQ ID NO:3 or SEQ ID NO:4.

Accordingly, Applicants hereby elect SEQ ID NO:3 with traverse. The present invention is characterized by the polynucleotide comprising continuous components (I) + (II) + (III) recited in Claim 1. The desired activities of the present invention do not depend on the specific sequence of each components (I) + (II) + (III), but on the entire structure of continuous components (I) + (II) + (III). Further, there is no undue burden in searching additional species. Thus, Applicants request withdrawal of the election of species requirement.

Finally, for the Examiner's convenience, Applicants provide herewith a copy of the English translation of the International Preliminary Examination Report dated May 18, 2004.

The Examiner is invited to contact the undersigned at the below listed number on any questions which might arise.

Respectfully submitted,

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Registration No. 30,764

Date: July 26, 2007

Translation

PCT/JP2003/001913

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P03-02	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/001913	International filing date (*day/month/year*) 21 February 2003 (21.02.2003)	Priority date (*day/month/year*) 22 February 2002 (22.02.2002)
International Patent Classification (IPC) or national classification and IPC C12N 15/00, 5/10, C12Q 1/68, G01N 33/50, 33/15, A61K 31/7105, 38/00, A01K 67/027, A01H 5/00 // (C12N 5/10, C12R 1:91)		
Applicant OTSUKA PHARMACEUTICAL CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

   ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

   These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

   - I ☒ Basis of the report
   - II ☐ Priority
   - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
   - IV ☐ Lack of unity of invention
   - V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
   - VI ☐ Certain documents cited
   - VII ☐ Certain defects in the international application
   - VIII ☐ Certain observations on the international application

Date of submission of the demand 19 September 2003 (19.09.2003)	Date of completion of this report 18 May 2004 (18.05.2004)
Name and mailing address of the IPEA/JP Facsimile No.	Authorized officer Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP2003/001913

I. Basis of the report

1. With regard to the **elements** of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☒ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____
☐ the claims, Nos. _____
☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP03/01913

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-40	YES
	Claims		NO
Inventive step (IS)	Claims	1-40	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-40	YES
	Claims		NO

2. Citations and explanations

Document 1: Proc. Natl. Acad. Sci. USA, 16 April, 2002 (16.04.02), Vol. 99, No. 8, pages 5515-5520
Document 2: Nature Biotech., May 2002, Vol. 19, No. 5, pages 497-500
Document 3: Science, 19 April, 2002 (19.04.02), Vol. 296, pages 550-553
Document 4: Proc. Natl. Acad. Sci. USA, 5 February, 2002 (05.02.02), Vol. 99, No. 3, pages 1443-1448
Document 5: WO, 1-68836, A2 (Genetica, Inc., et al.), 20 September, 2001 (20.09.01)
Document 6: WO, 2-66638, A2 (Gen Com Co.), 29 August, 2002 (29.08.02)

The subject matters of claims 1-40 appear to be novel and to involve an inventive step, since they are not described in any of documents 1-6 cited in the ISR.